

Senate Bill No. 1142

Passed the Senate August 31, 2006

Secretary of the Senate

Passed the Assembly August 28, 2006

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2006, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to add and repeal Article 4 (commencing with Section 99245) of Chapter 5 of Part 65 of the Education Code, relating to instructional programs.

LEGISLATIVE COUNSEL'S DIGEST

SB 1142, Alquist. Instructional programs: Science Teacher Development Act.

Existing law establishes the Mathematics and Reading Professional Development Program, which is administered by the Superintendent of Public Instruction with the approval of the State Board of Education. Under this program, a local education agency, as defined, receives incentive funding to provide training in mathematics and reading to teachers and to provide training to instructional aides and paraprofessionals, as defined, who directly assist with classroom instruction in mathematics and reading.

This bill would establish the Science Teacher Development Program by enacting provisions relating to science instruction that are similar to the existing Mathematics and Reading Professional Development Program. The bill would make the Science Teacher Development Program inoperative on July 1, 2012, and repeal it on January 1, 2013.

The people of the State of California do enact as follows:

SECTION 1. Article 4 (commencing with Section 99245) is added to Chapter 5 of Part 65 of the Education Code, to read:

Article 4. Science Teacher Development Act

99245. This article shall be known and may be cited as the Science Teacher Development Act.

99246. For the purposes of this article, the following terms have the following meanings:

(a) "Instructional aide" means a person who is employed on either a full-time or a part-time basis for the purpose of directly

assisting with classroom instruction in mathematics, reading, or science in a California public school in which kindergarten or any of grades 1 to 12, inclusive, are taught, and who does not possess a valid teaching credential, certificate, authorization, or permit issued by the Commission on Teacher Credentialing, and does not include a paraprofessional, as defined in subdivision (d).

(b) “Instructional materials that are aligned to state standards” means, for grades 1 to 8, inclusive, materials adopted by the state board after January 1, 2001, unless otherwise authorized by the state board. For grades 9 to 12, inclusive, “instructional materials that are aligned to state standards” means materials that the governing board of the local education agency has, after careful review, certified are aligned to the state reading, mathematics, or science content standards and the curriculum frameworks for these subjects.

(c) “Local education agency” means a school district, county office of education, state special school, or charter school.

(d) “Paraprofessional” means a teacher aide, a teacher assistant, or a speech language pathology assistant who is employed on either a full-time or a part-time basis for the purpose of directly assisting with classroom instruction in mathematics, reading, or science in a California public school in which kindergarten or any of grades 1 to 12, inclusive, are taught, and who does not possess a valid teaching credential, certificate, authorization, or permit issued by the Commission on Teacher Credentialing.

(e) “Teacher” means a person who holds a valid teaching credential, certificate, authorization, or permit issued by the California Commission on Teacher Credentialing, and is employed on either a full-time or a part-time basis in a California public school in which kindergarten or any of grades 1 to 12, inclusive, are taught.

99247. (a) The Science Teacher Development Program is hereby created, and shall be administered by the Superintendent of Public Instruction with the approval of the state board.

(b) A local education agency that maintains kindergarten or any of grades 1 to 12, inclusive, is eligible to apply for and receive incentive funding from funds appropriated for the purpose of this article.

(c) From funds appropriated for the purpose of this article, the Superintendent of Public Instruction shall award funding to provide teachers, and instructional aides and paraprofessionals who directly assist with classroom instruction in science, with instruction and training in science.

99248. (a) This program is intended to serve the following categories of staff:

(1) Teachers employed in a public school for the purpose of teaching in a self-contained classroom that serves pupils in kindergarten or any of grades 1 to 8, inclusive. Teachers described in this paragraph are eligible to receive instruction in science.

(2) Teachers employed in a public school for the purpose of providing science instruction to pupils with disabilities. Teachers described in this paragraph are eligible to receive instruction in science.

(3) Teachers who hold a single-subject teaching credential, certificate, or authorization issued by the Commission on Teacher Credentialing that authorizes them to teach science in a classroom that is not self-contained and who are employed in a public school. Teachers described in this paragraph are eligible to receive instruction in science.

(4) Holders of one-year emergency teaching permits and emergency career substitute teaching permits who are employed in a public school and assigned to teach science courses in a classroom that is not self-contained. Teachers described in this paragraph are eligible to receive instruction in science.

(5) Instructional aides and paraprofessionals who directly assist with classroom instruction in science who are employed in a public school for the purpose of assisting teachers in the instruction of pupils in kindergarten or any of grades 1 to 12, inclusive.

(b) Holders of emergency 30-day substitute teaching permits issued by the California Commission on Teacher Credentialing are not eligible to receive training offered pursuant to this article.

99249. (a) (1) The Superintendent of Public Instruction shall notify local educational agencies that they are eligible to receive an incentive award based on the percentage of eligible teachers calculated in accordance with provisions of an item of appropriation in the annual Budget Act.

(2) It is the intent of the Legislature that funding appropriated in one fiscal year that is not expended by a local educational agency be redirected to local educational agencies that have trained more eligible teachers than the percentage funded. If a redirection of funding occurs, funding in subsequent fiscal years for the local educational agencies involved shall be adjusted to reflect the redirection of funding.

(b) A school district that cannot make the certification required pursuant to paragraph (3) of subdivision (a) of Section 99251 for all the grade levels it maintains in science may apply for and receive incentive funding for the grade levels and subjects for which it can make the certification required pursuant to paragraph (3) of subdivision (a) of Section 99251, in which case the certified assurance submitted pursuant to Section 99251 applies only to the professional development provided to teachers, instructional aides, and paraprofessionals who directly assist with classroom instruction in science in the grade levels and subjects for which it can make the certification required pursuant to paragraph (3) of subdivision (a) of Section 99251.

(c) Of the incentive provided pursuant to subdivision (a), a local educational agency may use not more than one thousand dollars (\$1,000) of the per teacher per subject amount to provide an individual teacher stipend.

(d) The Superintendent of Public Instruction shall notify local educational agencies that the maximum funding for the purpose of this article for which they are eligible each year is equal to the percentage calculated in accordance with provisions of an item of appropriation in the annual Budget Act, multiplied by the sum of the following two factors multiplied by two thousand five hundred dollars (\$2,500):

(1) Twice the number of multiple subjects teachers teaching in a self-contained classroom and special education teachers, as specified in paragraphs (1) and (2) of subdivision (a) of Section 99248, that provide direct instruction in science as reported in the most recent available CBEDS data, who have not received training pursuant to either this article or Article 2 (commencing with Section 99220).

(2) The number of science teachers, as specified in paragraphs (3) and (4) of subdivision (a) of Section 99248 that were reported in the most recent available CBEDS data, who have not received

training pursuant to either this article or Article 2 (commencing with Section 99220).

(e) The Superintendent of Public Instruction shall allocate funding appropriated for the purposes of this article in the following order of priority:

(1) Two thousand five hundred dollars (\$2,500) for each qualifying teacher who was provided training pursuant to subdivision (a) in the prior year for whom the local educational agency did not receive funding due to insufficient availability of funds in the prior fiscal year.

(2) Two thousand five hundred dollars (\$2,500) for each qualifying teacher who was provided training pursuant to this article, subject to the limitations in subdivision (d).

(3) Two thousand five hundred dollars (\$2,500) for each qualifying teacher who was provided training pursuant to this article in excess of limitations in subdivision (d).

(f) Funding may not be provided to a local educational agency until the state board approves the certified assurance of the agency submitted pursuant to subdivision (a) of Section 99251.

(g) Of the funding a local educational agency is eligible to receive pursuant to this section for each eligible teacher, 50 percent shall be awarded following the provision of 40 hours of professional development based on the statewide academic content standards adopted pursuant to Section 60605, and instructional materials adopted by the state board or instructional materials that the governing board of the local educational agency certifies are aligned to the state science content standards and the curriculum frameworks for grades 9 to 12, inclusive, with the remaining funding to be awarded following certification of the provision of the 80 hours of followup instruction as specified in subdivision (b) of Section 99251. The 80 hours of training may be completed over a two-year period.

(h) A local educational agency may not receive funds pursuant to this article for teachers who receive training pursuant to Article 2 (commencing with Section 99220) using funding provided pursuant to that article.

99250. (a) The Superintendent of Public Instruction shall notify local educational agencies that they are eligible to receive funding to provide instructional aides and paraprofessionals who directly assist with classroom instruction in science with

professional development training in science, in an amount equal to one thousand dollars (\$1,000) per qualifying instructional aide. Funding will be provided to local educational agencies on a first-come, first-served basis. A local educational agency that chooses to participate in the program is eligible to receive funding for no greater than the percentage calculated in accordance with provisions of an item of appropriation in the annual Budget Act for its instructional aides and paraprofessionals. However, the statewide total number of instructional aides and paraprofessionals served under this program who directly assist with classroom instruction in science may not exceed 9,600 over two consecutive fiscal years.

(b) Of the incentive provided pursuant to subdivision (a), a local educational agency may not use more than five hundred dollars (\$500) of the amount per instructional aide and paraprofessional who directly assists with classroom instruction in science, to provide an individual instructional aide stipend.

99251. (a) As a condition of receipt of funds for purposes of Section 99248 or 99249, a local education agency shall submit a certified assurance signed by the appropriate agency official and approved in a public session by the governing body of the agency to the state board that contains its proposal to satisfy the following:

(1) It contracted with a provider whose training curriculum was based upon one of the training models outlined in guidelines and criteria for approval of training providers established by the State Board of Education, and was approved by the state board, or the local education agency's training curriculum was based upon one of the training models outlined in guidelines and criteria for approval of training providers established by the State Board of Education, and approved by the state board. Approval by the state board of the training curriculum shall be based on the criteria contained in paragraph (4) and in subdivision (b).

(2) It or the provider with whom it contracted provided professional development training focused primarily on the following:

(A) The science content standards adopted by the state board pursuant to Section 60605.

(B) The curriculum frameworks adopted by the state board for science.

(C) The training shall include instructional strategies to teach essential content in ways that address the varied learning needs of pupils, with special emphasis on English language learners and pupils with disabilities.

(3) (A) It provides each pupil with instructional materials that are aligned to the state content standards in science no later than the first day of the first school term that commences 12 months or less after those materials are adopted by the state board in the case of instructional materials for grades 1 to 8, inclusive, or by the governing board of the school district in the case of instructional materials for grades 9 to 12, inclusive.

(B) For local education agencies that are piloting or evaluating instructional materials that are aligned to the state content standards in science, those materials shall be provided to each pupil no later than the first day of the first school term that commences 24 months or less after those materials were adopted by the state board in the case of instructional materials for grades 1 to 8, inclusive, or by the governing board of the school district in the case of instructional materials for grades 9 to 12, inclusive.

(C) If a local education agency has not adopted instructional materials as required by subparagraph (A) for one or more grade levels because it is piloting or evaluating those instructional materials, the local education agency may only claim funding pursuant to Section 99249 for grade levels and subjects where the local education agency is in compliance with subparagraphs (A) and (B).

(D) For each teacher, in each core area for which funding is claimed pursuant to this article and for which there are not standards-aligned textbooks for each pupil, as determined through an audit, the Superintendent of Public Instruction, on a one-time basis, shall withhold from the next monthly principal apportionment payment to the local education agency an amount equal to one hundred dollars (\$100) for each of those pupils. The funds withheld are deemed to be an offset against the training funds provided pursuant to this article.

(4) It provides in-house professional development that focuses primarily on the following:

(A) The science content standards adopted by the state board pursuant to Section 60605.

(B) The curriculum frameworks adopted by the state board for science.

(C) The use of instructional materials that will be used by pupils and are aligned to the science content standards adopted by the state board pursuant to Section 60605.

(D) The training shall include instructional strategies designed to help all pupils gain mastery of the California academic content standards with special emphasis on English language learners and pupils with exceptional needs.

(b) As an additional condition of receipt of funds for purposes of Section 99249, a local education agency shall certify that:

(1) Forty hours of professional development based on the statewide academic content standards adopted pursuant to Section 60605, and instructional materials adopted by the state board or instructional materials that the governing board of the local educational agency certifies are aligned to the state science content standards and the curriculum frameworks for those subjects for grades 9 to 12, inclusive, and 80 hours of followup instruction, coaching, or additional schoolsite assistance, in science, as appropriate, was provided to teachers who meet the criteria specified in paragraphs (1) and (2) of subdivision (a) of Section 99248.

(2) Forty hours of professional development that includes strategies to help all pupils gain mastery of the California content standards and based on the statewide academic content standards adopted pursuant to Section 60605, the science framework adopted by the State Board of Education, and instructional materials adopted by the state board or instructional materials that the governing board of the local education agency certifies are aligned to the science content standards and the curriculum frameworks for science for grades 9 to 12, inclusive, and 80 hours of followup instruction, coaching, or additional schoolsite assistance, based upon the individual teacher or school needs, was provided to teachers who meet the criteria specified in paragraphs (3) and (4) of subdivision (a) of Section 99248.

(c) If, as the result of a program audit, it is found that the participating local education agency served fewer participants than it was funded to serve, the Superintendent of Public Instruction shall withhold from the next monthly principal apportionment payment to the local education agency payment

an amount proportional to the amount of funding associated with the number of teachers that were not served.

(d) If, as the result of a program audit, it is found that the training provided by the local education agency or the provider with whom it contracted did not meet the requirements of paragraph (4) of subdivision (a), the Superintendent of Public Instruction shall withhold from the next monthly principal apportionment payment to the local educational agency an amount equal to the amount of funding associated with the training that was not aligned to state standards and curriculum frameworks.

(e) It is the intent of the Legislature that audits referenced in subdivisions (c) and (d) be conducted as part of a compliance audit performed in accordance with Sections 14503, 14508, and 41020.

99252. (a) By June 30, 2008, the department shall submit, subject to review and approval by the state board, a report to the Legislature regarding the program established pursuant to this article for submission to the Legislature. The report shall, at a minimum, detail all of the following:

(1) The number of teachers, by credential type, who have received training offered pursuant to this article.

(2) The number of instructional aides and paraprofessionals who directly assist with classroom instruction in science who have received training offered pursuant to this article.

(3) The entities that have received funds for the purpose of offering training pursuant to this article, and the number of teachers, instructional aides, and paraprofessionals who directly assist with classroom instruction in science that each has trained.

(4) Information detailing the effectiveness of the program established pursuant to this article. This information shall, at a minimum, incorporate survey data concerning program effectiveness and preprogram and postprogram pupil achievement that has been gathered from program participants and school principals.

(5) To the extent that information is available, information detailing, by credential type, the retention rate of teachers who participated in training offered pursuant to this article. The information shall, at a minimum, incorporate sample data concerning teachers who are no longer in the profession.

(6) To the extent that information is available, information detailing the retention rate of instructional aides and paraprofessionals who directly assist with classroom instruction in science who participated in training offered pursuant to this article. The information shall, at a minimum, incorporate sample data concerning aides who are no longer in the profession, as well as aides who have obtained a teaching credential subsequent to the training.

(b) By December 31, 2012, the department shall submit, subject to review and approval by the state board, a report to the Legislature regarding the program established pursuant to this article. The report shall, at a minimum, detail the following:

(1) The number of teachers, by credential type, who received training offered pursuant to this article.

(2) The number of instructional aides and paraprofessionals who directly assist with classroom instruction in science, and who received training offered pursuant to this article.

(3) The entities that received funds for the purpose of offering training pursuant to this article and the number of teachers, instructional aides, and paraprofessionals who directly assist with classroom instruction in science, that each has trained.

(4) Information detailing the effectiveness of the program established pursuant to this article. This information shall, at a minimum, incorporate survey data concerning program effectiveness that has been gathered from program participants and school principals.

(5) To the extent information is available, information detailing, by credential type, the retention rate of teachers who participated in training offered pursuant to this article. The information shall, at a minimum, incorporate sample data concerning teachers who are no longer in the profession.

(6) To the extent information is available, information detailing the retention rate of instructional aides and paraprofessionals who directly assist with classroom instruction in science, and who participated in training offered pursuant to this article. The information shall, at a minimum, incorporate sample data concerning aides who are no longer in the profession, as well as aides who have obtained a teacher credential subsequent to training.

99253. This article shall become inoperative on July 1, 2012, and, as of January 1, 2013, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2013, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 2. It is the intent of the Legislature:

(a) That providers of the training provided pursuant to subdivision (d) of Section 99249 of the Education Code and subdivision (a) of Section 99250 of the Education Code, as approved by the State Board of Education, shall primarily emphasize the statewide content standards adopted pursuant to Section 60605 of the Education Code. This emphasis includes ensuring that providers of training also include content on all of the following:

- (1) The state-adopted curriculum frameworks.
- (2) Ongoing monitoring assessments that inform teaching and student progress.
- (3) Early intervention techniques for pupils experiencing difficulty.
- (4) Instructional strategies to teach essential content to address the valid learning needs of pupils, with emphasis on English language learners and pupils with exceptional needs.

(b) To work with the State Board of Education and the State Department of Education to achieve the goals set forth in subdivision (a).

Approved _____, 2006

Governor